



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5691

Introduced 2/16/2012, by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4

from Ch. 23, par. 2214

Amends the Child Care Act of 1969. Makes a technical change in a Section concerning the licensing requirements.

LRB097 19607 CEL 64861 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 4 as follows:

6 (225 ILCS 10/4) (from Ch. 23, par. 2214)

7 Sec. 4. License requirement; application; notice.

8 (a) Any ~~Any~~ person, group of persons or corporation who or
9 which receives children or arranges for care or placement of
10 one or more children unrelated to the operator must apply for a
11 license to operate one of the types of facilities defined in
12 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
13 relative who receives a child or children for placement by the
14 Department on a full-time basis may apply for a license to
15 operate a foster family home as defined in Section 2.17 of this
16 Act.

17 (a-5) Any agency, person, group of persons, association,
18 organization, corporation, institution, center, or group
19 providing adoption services must be licensed by the Department
20 as a child welfare agency as defined in Section 2.08 of this
21 Act. "Providing adoption services" as used in this Act,
22 includes facilitating or engaging in adoption services.

23 (b) Application for a license to operate a child care

1 facility must be made to the Department in the manner and on
2 forms prescribed by it. An application to operate a foster
3 family home shall include, at a minimum: a completed written
4 form; written authorization by the applicant and all adult
5 members of the applicant's household to conduct a criminal
6 background investigation; medical evidence in the form of a
7 medical report, on forms prescribed by the Department, that the
8 applicant and all members of the household are free from
9 communicable diseases or physical and mental conditions that
10 affect their ability to provide care for the child or children;
11 the names and addresses of at least 3 persons not related to
12 the applicant who can attest to the applicant's moral
13 character; and fingerprints submitted by the applicant and all
14 adult members of the applicant's household.

15 (c) The Department shall notify the public when a child
16 care institution, maternity center, or group home licensed by
17 the Department undergoes a change in (i) the range of care or
18 services offered at the facility, (ii) the age or type of
19 children served, or (iii) the area within the facility used by
20 children. The Department shall notify the public of the change
21 in a newspaper of general circulation in the county or
22 municipality in which the applicant's facility is or is
23 proposed to be located.

24 (d) If, upon examination of the facility and investigation
25 of persons responsible for care of children, the Department is
26 satisfied that the facility and responsible persons reasonably

1 meet standards prescribed for the type of facility for which
2 application is made, it shall issue a license in proper form,
3 designating on that license the type of child care facility
4 and, except for a child welfare agency, the number of children
5 to be served at any one time.

6 (e) The Department shall not issue or renew the license of
7 any child welfare agency providing adoption services, unless
8 the agency (i) is officially recognized by the United States
9 Internal Revenue Service as a tax-exempt organization
10 described in Section 501(c)(3) of the Internal Revenue Code of
11 1986 (or any successor provision of federal tax law) and (ii)
12 is in compliance with all of the standards necessary to
13 maintain its status as an organization described in Section
14 501(c)(3) of the Internal Revenue Code of 1986 (or any
15 successor provision of federal tax law). The Department shall
16 grant a grace period of 24 months from the effective date of
17 this amendatory Act of the 94th General Assembly for existing
18 child welfare agencies providing adoption services to obtain
19 501(c)(3) status. The Department shall permit an existing child
20 welfare agency that converts from its current structure in
21 order to be recognized as a 501(c)(3) organization as required
22 by this Section to either retain its current license or
23 transfer its current license to a newly formed entity, if the
24 creation of a new entity is required in order to comply with
25 this Section, provided that the child welfare agency
26 demonstrates that it continues to meet all other licensing

1 requirements and that the principal officers and directors and
2 programs of the converted child welfare agency or newly
3 organized child welfare agency are substantially the same as
4 the original. The Department shall have the sole discretion to
5 grant a one year extension to any agency unable to obtain
6 501(c)(3) status within the timeframe specified in this
7 subsection (e), provided that such agency has filed an
8 application for 501(c)(3) status with the Internal Revenue
9 Service within the 2-year timeframe specified in this
10 subsection (e).

11 (Source: P.A. 94-586, eff. 8-15-05.)